

**IN THE MUNICIPAL COURT, CITY OF DALTON  
WHITFIELD, STATE OF GEORGIA**

**DEFENDANT:** \_\_\_\_\_ **CITATION:** \_\_\_\_\_

**WAIVER OF THE RIGHT TO BE REPRESENTED BY AN ATTORNEY**

I have read or had read to me all of the foregoing section titled "RIGHT TO AN ATTORNEY". I understand I have the right to an attorney and have no questions that need to be answered before I sign this acknowledgement. I understand that I have a right to be represented by an attorney in the criminal case against me. I have considered the advantages of having an attorney represent me. I understand the danger of proceeding without the assistance of an attorney. Knowingly and understanding these things it is my desire not to be represented by an attorney in this case. I freely, voluntarily and knowingly waive (give up) my right to be represented by an attorney in this case. It is my desire to proceed in this case without an attorney and to represent myself before this court.

**INITIAL:** \_\_\_\_\_

I also understand that by pleading not guilty I have a right to a jury trial, unless I am charged with a violation of a city ordinance. If I choose to remain silent and not enter a plea, a plea of not guilty will be entered on my behalf. If I want a jury trial, I know that I must tell the Judge and I will receive a jury trial. Otherwise, I will have a trial in front of a Judge with no jury. I understand the consequences of my plea.

It is my desire to waive my right to a jury trial and proceed today by entering my plea:

**NOT GUILTY                      GUILTY                      NOLO CONTENDERE                      (CIRCLE ONE)**

to the charge(s) against me.

**INITIAL:** \_\_\_\_\_

This plea is free and voluntary. I have not been told what sentence will be imposed if I plead guilty. No promises or threats have been made to me by any district attorney, solicitor, lawyer, police officer or other person to induce me to or make me enter this plea. I understand that the Judge is not bound by any negotiations or recommendations that may have been made by the Solicitor or the police officer.

I understand that if I am placed on non-reporting or reporting probation, I cannot violate any criminal laws of any governmental unit or any conditions of probation and if I do, I risk having my probation revoked and being put in jail until my sentence expires.

I understand that if I am not a citizen of the United States that a plea or finding of nolo contender or guilty may result in deportation, the denial of admission to this country, or a denial of naturalization under Federal Law. There have been no promises made to me by defense attorney, the prosecutor or the court concerning my right to stay in the United States. I understand that by a plea or verdict nolo contender or guilty to any crime of domestic violence, I will be prohibited from possessing, receiving, shipping and transporting a firearm under Federal Law. I hereby acknowledge receipt of a copy of the charge(s) in the above styled case.

**I swear under the penalties of perjury that these statements are true.**

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Solicitor

\_\_\_\_\_  
Attorney for the Defendant

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I have satisfied myself that this defendant's plea is free and voluntary and that he/she is in possession of his/her faculties and is able to understand the nature and consequences of his/her plea. I have also determined that this defendant understands that he/she has the right to the assistance of an attorney at this proceeding and knowingly, voluntarily, and intelligently waives the right to an attorney (if not represented by an attorney). The court is further satisfied that there has been a sufficient factual basis shown for the acceptance of this plea, and the defendant understands the consequences of his/her plea.

**IT IS HEREBY ORDERED** that the defendant's plea be accepted.

**THIS** \_\_\_\_\_ **DAY OF** \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
**JUDGE, MUNICIPAL COURT  
CITY of DALTON**

**IN THE MUNICIPAL COURT, CITY OF DALTON  
WHITFIELD, STATE OF GEORGIA**

**DEFENDANT:** \_\_\_\_\_ **CITATION:** \_\_\_\_\_

**RECORD OF DEFENDANT PRIOR TO ENTERING A PLEA**

The Defendant in this case, being dully sworn, states the following:

I am not under the influence of alcohol or drugs and I am not suffering from any mental or physical disabilities. I have read or been advised of the charge(s) against me.

I understand that the Law provides that the maximum sentence for each charge that can be imposed is 12 months in jail, a fine up to \$1000.00 (\$5000.00 for misdemeanors of a high and aggravated nature,) community service and/or other requirements. I understand that, if I am charged with more than one offense, the Court may make any sentences run consecutively, (one after the other).

The Judge has told me that I have the right to be represented by a private lawyer/attorney, or by a public defender (if I am eligible). I understand that by entering a plea of guilty or Nolo contendere I am waiving (giving up) certain rights:

1. The right to a trial by jury
2. The right to have the State prove my guilt beyond a reasonable doubt
3. The right to be presumed innocent
4. The right to confront (question) witnesses against me
5. The right to subpoena a witness (make people come to court and testify for me)
6. The right to testify and present other evidence
7. The right not to testify or produce evidence against myself and
8. The right to a lawyer

**RIGHT TO AN ATTORNEY**

You have the right to be represented by an attorney/ lawyer in this criminal proceeding against you. If you contend that you are not financially able to hire/ pay a lawyer/attorney of your own choice and it is determined that you qualify, you have the right to have the Court appoint you an attorney (a public defender) to represent you at no charge to you.

A lawyer/attorney can help you:

1. understand the charges against you
2. determine whether a legally sufficient charge(s) has been filed against you
3. determine whether you have any defense to the charge(s) against you – possible defenses may include but are not limited to: self-defense, alibi, misidentification, accident and reliance on the presumption of innocence and the State's burden to prove you guilty on all elements of the charge(s) against you beyond a reasonable doubt, abandonment, impossibility, renunciation, defense of habitation or property, entrapment, mistake of fact, justification, mental capacity, minimum age, delusional compulsion, intoxication, and coercion
4. prepare and conduct any trial held on the charge(s) against you
5. determine what evidence is legally admissible against you
6. file motions at the right time and make objections to exclude evidence which is not legally admissible against you
7. determine what evidence is legally admissible against you
8. file motions at the right time and make objections to exclude evidence which is not legally admissible against you
9. make strategic decisions as to the calling of witnesses and whether or not you should testify at trial
10. obtain a transcript and properly preserve legal issues for appeal in the event that you are convicted at trial
11. conduct plea negotiations on your behalf if you desire to plead guilty to the charge(s) against you
12. make sure your rights are protected
13. and argue on your behalf, if you plead guilty or are found guilty, about sentencing including presenting circumstances in mitigation.

**DEFENDANT'S SIGNATURE**